

To: Energy and Technology Committee of the Connecticut Legislature  
From: William O. Riiska  
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Date: February 3, 2011  
Re: Raised H.B. No. 6249  
Raised H.B. No. 6250

Thank you for the opportunity to support these two bills.

By way of background, I am a resident of Norfolk, Connecticut. I am Chair of the Norfolk Planning and Zoning Commission and Chair of the Government Relations Committee of the Northwest Connecticut Chamber of Commerce. However, I am testifying on my own and not in any way as a representative of either of those entities. I am a lawyer in private practice and am a member of the Environmental and Planning & Zoning Sections of the Connecticut Bar Association.

Three proposals for commercial wind turbines each nearly 500 feet tall, incessantly generating noise and other ill effects, are pending before the Connecticut Siting Council. 500 feet is the equivalent of a forty story building, taller than any building in Hartford. The lack of planning and regulation in Connecticut relating to the siting and operation of these massive commercial facilities, especially in residential neighborhoods, is stunning.

The Connecticut General Statutes (§8-12) allow a town's zoning commission to adopt zoning regulations but specifically require that the regulations "shall be in accordance with a comprehensive plan" and that the commission "shall consider the plan of conservation and development". The Statutes (§8-23) also provide that at least every ten years, the planning commission "shall adopt a plan of conservation and development for the municipality" and "shall regularly review and maintain such plan". Among other criteria, the plan of conservation and development must address the "coordinated development of the municipality". Note the uses of "shall" -- these requirements are not discretionary. The zoning commission and the planning commission (in northwest Connecticut usually combined) must ensure that the regulations are balanced and rational and promote the interests of the community as a whole. But the review does not stop there. Changes in regulations that might affect another municipality must be referred to a regional planning agency, ensuring another level of review.

The communities of northwest Connecticut take their responsibilities seriously. Collectively, they have spent thousands of hours and thousands of dollars adopting, readopting, amending, rewriting, and refining their land use regulations and their comprehensive plans of conservation and development. The process typically is entirely transparent with plenty of opportunity for members of the community to weigh in on the content of the regulations. The end result is a set of regulations that meet the needs of the community as nearly as possible. One goal is to ensure that incompatible uses of land do not occur. Another is to allow a landowner to

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review the regulations to make that determination on his or her own so they can be reasonably assured as to how land can be used.

Except that they can't. They can't because the siting of one megawatt wind turbines by statute is in the purview of the Siting Council, rather than local authorities, and there is a total lack of planning and a total lack of regulations relating to the installation and operation of commercial wind turbines. While a dog house may have to meet zoning setbacks, height requirements, etc., Connecticut has no regulations that would govern the siting or operation of huge commercial wind turbines in any residential neighborhood: no setbacks from property lines, no setbacks from homes and other occupied buildings, no setbacks from wetlands, no setbacks from local and state roads. There are many issues that other states and countries have struggled with once large commercial wind turbines are in operation, such as noise, shadow flicker, effects on property values, ice throws, effects on traffic, and mechanical failure. So, as carefully as municipalities might have planned to ensure that incompatible uses might not end up next to each other, a forty story high wind turbine ceaselessly producing noise and other detriments might land next to anyone's house with no planning and no regulatory guidance. It is stunning.

Moreover, there has been no comprehensive formulation of state policy with respect to wind turbines. It is safe to say that nearly everyone favors alternative energy initiatives. However, not all such proposals are created equal. Some are great; some are really bad. Is wind energy really viable for Connecticut? Are large commercial wind turbines the way to go or would smaller ones for on-site power make more sense? Would investments in fuel cells be better than either? Who knows – the state has no policy. The availability of tax credits designed to promote alternative energy with no comprehensive consideration of the pros and cons should not be driving the kind of initiatives that get attention.

An important economic driver in Connecticut is tourism, especially in rural, quiet northwest Connecticut. There is evidence that large wind turbines have a negative affect on tourism in other places. As an example, near one of the proposed sites in Colebrook lies Rock Hall, a significant property on the National Register of Historic Places. The owners are my friends and clients. In order to offset the huge expenses of maintaining this property, several years ago the owners started a bed and breakfast. They have worked to establish it as a premier retreat for its guests and have received many accolades in the press and from tourism groups for the result. Noisy, looming wind turbines are potentially ruinous to their venture along with many others. Yet there has been no official discussion of Connecticut's economic development policy with respect to potentially incompatible uses.

The three petitions for the installation of mammoth wind turbines now before the Connecticut Siting Council are for residential areas on Flagg Hill Road and on Rock Hall Road

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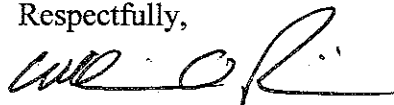
in Colebrook, (on either side of Rt. 44 near the borders of Winchester and Norfolk) and in Prospect. Others wind turbine installations have been proposed for North Canaan and Norfolk. However, any neighborhood in the state is vulnerable.

The state is getting way ahead of itself in considering these proposals before conducting a thorough review to create an alternative energy policy that makes economic sense including with respect to the cost of energy generated and the affect on other economic development initiatives, especially tourism, and to decide what facilities are appropriate for a residential area and, if so, under what conditions. Our state has the opportunity to learn from experience elsewhere before approving large commercial wind turbines in residential areas, and experts, as well as citizens across Connecticut, deserve to be heard.

The Legislature should pass Raised H.B. No. 6249 and Raised H.B. No. 6250. Time is of the essence. Raised H.B. No. 6249 is especially important because it would require the Siting Counsel to adopt regulations concerning the siting of wind projects of one megawatt or more and prevent the approval of such projects before such regulations are adopted. While zoning commissions have to pass zoning regulations that reflect a comprehensive plan, and the Legislature has required planning commissions to adopt and periodically review a municipality's plan of conservation and development, no planning or formulation of state policy has been conducted for these facilities. Raised H.B. No. 6249 would give the State, in fact all of us, the breathing room to formulate policy, to enact appropriate regulations to protect the public interest not only in ensuring compatibility in the use of land but also to ensure the optimum development of alternative energy sources, and to provide for the safe and reasonable operation of these facilities and to do this in an orderly way.

Thank you, again for the opportunity to address the Energy and Technology Committee in support of these crucial bills.

Respectfully,



William O. Riiska

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